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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-762**

13 **LUPE KIM aka LUPE VALDEZ**

**A C C U S A T I O N**

14 **10113 Foxtail Pine Ave**  
**Las Vegas, NV 89129**

15 **Registered Nurse License No. 471013**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., R.N. ("Complainant") brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 2. On or about August 31, 1991, the Board issued Registered Nurse License Number  
23 471013 to Lupe Kim formerly Lupe Valdez ("Respondent"). Her license was in full force and  
24 effect during the conduct alleged in this accusation and will expire on November 30, 2014 unless  
25 renewed.

26 **JURISDICTION**

27 3. Section 2750 of the Business and Professions Code (all section references are to the  
28 Business and Professions Code unless otherwise noted) in pertinent part provides the Board may

1 discipline any licensee, including a licensee holding a temporary or an inactive license, for any  
2 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

3 4. In pertinent part, Section 2764 provides the expiration of a license shall not deprive  
4 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to  
5 render a decision imposing discipline on the license. Under section 2811 subdivision (b) the  
6 Board may renew an expired license at any time within eight years after the expiration.

7 5. Section 118 subdivision (b) grants the Board jurisdiction over suspended, expired,  
8 forfeited, cancelled, or surrendered licenses:

9 "The suspension, expiration, or forfeiture by operation of law of a license  
10 issued by a board in the department, or its suspension, forfeiture, or cancellation by  
11 order of the board or by order of a court of law, or its surrender without the written  
12 consent of the board, shall not, during any period in which it may be renewed,  
13 restored, reissued, or reinstated, deprive the board of its authority to institute or  
14 continue a disciplinary proceeding against the licensee upon any ground provided by  
15 law or to enter an order suspending or revoking the license or otherwise taking  
16 disciplinary action against the licensee on any such ground."

#### 14 STATUTES

15 6. In pertinent part, Section 2761 authorizes the Board to discipline licensees who have  
16 been disciplined by another state:

17 "The board may take disciplinary action against a certified or licensed  
18 nurse or deny an application for a certificate or license for any of the following:

19 (a) Unprofessional conduct, which includes, but is not limited to, the  
20 following:

21 ...

22 (4) Denial of licensure, revocation, suspension, restriction, or any other  
23 disciplinary action against a health care professional license or certificate by another  
24 state or territory of the United States, by any other government agency, or by another  
25 California health care professional licensing board. A certified copy of the decision  
26 or judgment shall be conclusive evidence of that action."

#### 24 COST RECOVERY

25 7. In pertinent part, Section 125.3 provides the Board may request the administrative  
26 law judge to direct a licensee found to have committed a violation or violations of the licensing  
27 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
28 case and it permits the Board to recover those costs in any stipulated settlement.

1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Action by the Nevada Board of Nursing)**

3 8. Respondent is subject to discipline pursuant to Section 2761 subdivision (a)(4) on the  
4 grounds of unprofessional conduct because the Nevada Board of Nursing publically reprimanded  
5 her license in March 2008:

6 9. On or about March 13, 2008, the Nevada Board entered findings of fact, conclusions  
7 of law, and made an order adopting a settlement agreement with Respondent to resolve the  
8 disciplinary action entitled *In the Matter of Lupe Kim Licensed Professional Nurse Nevada*  
9 *License No. RN51581*. In the settlement agreement Respondent agreed to accept a public  
10 reprimand of her license and to take two nursing-related courses.

11 10. In the settlement agreement, the Nevada Board found and Respondent admitted that  
12 while working in a Nevada Hospital in November 2007 she and another nurse checked a total  
13 parental nutrition bag, which is used to supply nutrition to a patient, and failed to identify that the  
14 bag prepared by the pharmacist erroneously contained one thousand times more zinc than was  
15 written on the physician's order. The failure to identify the pharmacy error resulted in patient  
16 harm. The Board found that this constituted unprofessional conduct and failing to perform  
17 nursing functions in a manner consistent with established or customary standards.

18 11. In the settlement agreement the Nevada Board disciplined Respondent's license by  
19 publically reprimanding it and ordered her to complete courses in legal ethics in nursing and in  
20 nursing laws by September 15, 2008. Respondent completed the required courses in August  
21 2008.

22 12. Under Section 2761 subdivision (a)(4) the Nevada Board's disciplinary action  
23 publically reprimanding Respondent's license in 2008 is grounds for the California Board to take  
24 its own disciplinary action.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking, suspending, or publically reproving Registered Nurse License Number 471013, issued to Lupe Kim;
2. Ordering Lupe Kim to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code Section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: March 14, 2013

*for* *Louise Bailey*  
LOUISE R. BAILEY, M.Ed., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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